

8-6-1982

Utility Rates

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

August 6, 1982

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

UTILITY RATES
INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required 553,790
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Friday, 8/6/82
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures . . Friday, 8/6/82
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with the county.
All Sections are to be filed at the same time within each
county. Monday, 1/3/83
Elec. C., Secs. 3513, 3520(a).
 - c. Last day for county to determine total number of signatures
affixed to petition and to transmit total to the Secretary of
State Monday, 1/10/83

(If the Proponent files the petition with the county on a date prior to 1/3/83, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

AMENDED CALENDAR



UTILITY RATES

August 6, 1982

Page 2

- d. Last day for county to determine total number of qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. Tuesday, 1/25/83

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 1/10/83, the last day is not later than the fifteenth day after the notification.)

Elec. C., Sec. 3520(d), (e).

- e. If the signature count is between 498,411 and 609,169 then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. Thursday, 2/24/83

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 1/25/83, the last day is not later than the thirtieth day after the notification.)

Elec. C., Sec. 3521(b), (c).

4. Campaign Statements:

Last day for the Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 1/31/83. Monday, 2/7/83

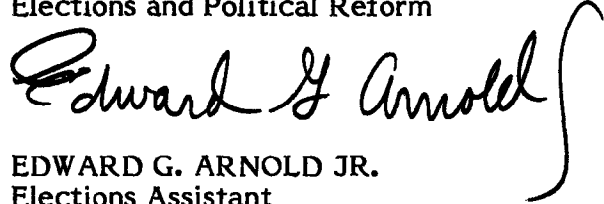
(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 1/3/83, the last date to file is the 35th calendar day after the deadline for filing petitions or the date of notification by the Secretary of State that the measure has either qualified or failed to qualify, whichever is earlier. The closing date for the campaign statement is seven days prior to the filing deadline.)
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponent of the above named measure is:

Roberto Acosta
2117 Eastern Avenue
Sacramento, CA 95825
(916) 482-6703

Sincerely,

DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

A handwritten signature in black ink, reading "Edward G. Arnold Jr.", with a large, stylized flourish extending from the end of the name.

EDWARD G. ARNOLD JR.
Elections Assistant

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code Section 81000 et seq.



State of California
Department of Justice
George Deukmejian
(PRONOUNCED DUKE-MAY-GIN)
Attorney General
August 6, 1982

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

Roberto Acosta
2117 Eastern Avenue
Sacramento, California 95825

RE: Initiative Title and Summary.
Subject: Utility Rates
Our File No.: SA82RF0007

By our letter dated August 4, 1982, we issued a title and summary to you for the above identified proposed initiative. As you called to our attention by telephone, one of the dates set forth in that title should have been "January 1, 1980" rather than what appeared in that title of "January 1, 1981."

The 1981 date in our title and summary is an error. As this is in the nature of a typographical or inadvertent error on our part, we are revising this title to reflect the correct date. Also, in order to stay within the word limitation permitted by law, a conjunctive "and" is being removed.

Attached is the revised title which you should use in connection with the circulation of the petition.

The "official summary date" for the issuance of this title and summary will be today, August 6, 1982, because of the revision that we have made.

Consideration has been given to the other changes in the title and summary that you requested by telephone. Due to our word limitations and other legal requirements, we believe that the title and summary is accurate and it is not appropriate to make further changes.

Very truly yours,

George Deukmejian
Attorney General

Robert Burton
Deputy Attorney General

Attachment

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: August 6, 1982

Subject: Utility Rates (Revised Title)


Our File No.: SA82RF0007

Name of Proponent(s) and Address(es):

Roberto Acosta
2117 Eastern Avenue
Sacramento, California 95825

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on August 6, 1982.


MARSHA L. BIERER
Declarant



State of California
Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9355

George Deukmejian
(PRONOUNCED DUKE-MAY-GIN)

Attorney General

August 6, 1982

FILED
In the office of the Secretary of State
of the State of California

AUG - 6 1982

MARCH FONG EU, Secretary of State
By *Barbara J. Lee*
Deputy

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

RE: Initiative Title and Summary.
Our File No.: SA82RF0007

Dear Mrs. Eu:

On August 4, 1982, we issued a title and summary for the above proposed initiative to Roberto Acosta, and transmitted copies of this to your office.

As explained in the attached letter to Roberto Acosta, the title and summary that was issued contained a typographical or inadvertent error concerning one date.

Because of this, a revised title and summary is being issued to Mr. Acosta. A copy of this is attached and should be substituted for the previous title and summary issued on this matter.

The "official summary date" for the issuance of this title and summary will be August 6, 1982.

Also, attached for your files on this matter is a declaration of service of the revised title and summary on Mr. Acosta.

Very truly yours,

George Deukmejian
Attorney General

Robert Burton
Robert Burton
Deputy Attorney General

Enclosures

Submitted by:
Roberto Acosta,
Proponent
May 13, 1982

Amended Constitutional Initiative - File No: SA82RF0007

Section 1. This Amendment shall be known as "The Utility Ratepayers Reform and Survival Act."

- a) Utilities, for purpose of this amendment shall be limited to electrical and gas corporations regulated by the Public Utilities Commission.
- b) For purposes of this amendment ratepayers and consumers are used interchangeably and act and amendment are used interchangeably.

Section 2. Refunds in the form of credits to consumers' bills, plus interest at 6 percent per annum, shall be made of all over collections made by utilities as a result of any electrical fuel cost rate adjustment, any purchased gas adjustment or any supply adjustment mechanism authorized by the Public Utilities Commission since 1972.

Section 3. All utilities rates shall be rolled back to rates existing on September 30, 1981.

- a) This section shall not apply to categories of consumers designated Essential Public Necessities in Section 11 of this act. Rates in those categories shall be rolled back to January 1, 1980 rates.
- b) Essential Public Necessities are limited by this act to consumers engaged in agricultural production and food processing as defined by the Franchise Tax Board, state, local and federal buildings which are used to conduct the public's business; and public and private educational institutions when regulated by the Education Code.

Section 4. Refunds, in the form of credits to consumers bills, plus interest at 10 percent, shall be made to all ratepayers, on rate increases collected above September 30, 1981 rates, effective upon passage of this amendment.

Section 5. When the commission authorizes any rate change for a specific cost, it shall require the utilities to maintain reserve accounts so that related revenue and costs shall be offset, and the commission shall fully consider any balance, plus interest earned in such reserve accounts, before authorizing subsequent rate adjustments. Effective immediately.

Section 6. Ratepayers shall not be charged for any cost of any power plant, until said power plant is producing energy as designated in the Certificate of Public Convenience and Necessity issued by the Public Utilities Commission. Effective upon passage of this act.

Section 7. Ratepayers shall not be charged, for purposes of ratesetting, for any construction costs exceeding 100 percent of construction costs specified in the Certificate of Public Convenience and Necessity, except that the commission shall take into account increased costs from economic inflation, and regulatory requirements imposed by the commission or any other public agency after the issuance of the Certificate or both. Effective upon passage of this act.

Section 8. Ratepayers in the colder climates of the state and during the winter weather, shall pay at the lowest full winter lifeline allowance rates which existed in 1980. This rollback effective upon passage of this act.

Section 9. Ratepayers in the hottest climates of this state and during the summer months shall pay at the lowest full summer lifeline allowance rate which existed in 1981. This rollback effective upon passage of this act.

Section 10. Essential gas, water or electrical services shall not be terminated during freezing temperatures in any occupied residential dwelling that includes as permanent residents children under the age of three or persons 70 or older.

Section 11. This amendment creates a category of ratepayers/consumers which shall be classified in a category called "Essential Public Necessities"

- a) For purposes of this amendment, consumers/ratepayers, classified under this section shall have rates rolled back to the lowest rates which existed in their respective categories in 1980. Effective upon passage of this amendment.
- b) For purposes of this amendment, the Essential Public Necessities shall be limited to consumers engaged in agricultural production and food processing as defined by the Franchise Tax Board, public governmental buildings conducting the public's business and educational institutions regulated by the Education Code.
- c) The Commission, in full cooperation with the governor, legislature and affected Essential Public Necessities, shall devise and designate an Essential Public Necessities lifeline-like allowance and tier-rate structure, which is consistent with the purposes and the intent of the legislature, when it enacted lifeline allowances for residential users, and was signed into law by the governor, July 17, 1980.

Section 12. The Rate of Return allowed by the Public Utilities Commission to any gas and electric corporation shall not exceed 8.5 percent per annum; or a rate or return which is two points above the general prevailing bank passbook interest on savings rate in existence, whichever is higher.

Section 13. The provisions of this amendment and all sections included herein shall not be amended by the legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

Section 14. If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional the remaining section(s) shall not be effected and will remain in full force and effect.

Revised August 6, 1982

Date: August-4,-1982

File No.: SA82RF0007

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

UTILITY RATES. INITIATIVE CONSTITUTIONAL AMENDMENT. Adds several sections concerning rates and services of electrical and gas corporations regulated by Public Utilities Commission. Provisions are made regarding: Refunds for specified over collections authorized since 1972; rolling rates back to September 30, 1981, or January 1, 1980, and requiring refunds; reserve account requirements; charging for power plant costs prior to energy production or for specified construction costs; colder and hottest climate life line rates; restricting termination of service in residences occupied by specified children or older persons; rates for specified agricultural producers, governmental buildings, educational institutions; maximum rates of return; other matters. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would have major adverse financial effects on operating revenues of private utilities in California. No estimate of the fiscal impact of this measure on state and local governments can be made because it cannot be predicted how utilities would react to an operating revenue loss of large magnitude, especially when a large portion of their costs are fixed, or beyond their immediate control (e.g., imported natural gas prices).



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

AUGUST 6, 1982

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS AND PROPONENT

CHANGES HAVE BEEN MADE BY THE ATTORNEY GENERAL'S OFFICE CONCERNING THE INITIATIVE CONSTITUTIONAL AMENDMENT ENTITLED UTILITY RATES. BECAUSE OF THE CHANGES, A NEW CALENDAR HAS BEEN PREPARED TO REPLACE THE ONE PREVIOUSLY SENT TO YOU ON AUGUST 5, 1982. PLEASE NOTE THAT THE OFFICIAL SUMMARY DATE, THE FIRST DAY PROPONENT CAN CIRCULATE PETITION, AND THE TEXT OF THE TITLE AND SUMMARY HAVE CHANGED.

SINCERELY,

A handwritten signature in cursive script that reads "Deborah Seiler".

DEBORAH SEILER
ASSISTANT TO THE SECRETARY OF STATE
ELECTIONS AND POLITICAL REFORM

ENCLOSURES

DS:DW



Office of the Secretary of State
March Fong Eu

Executive Office
1230 J Street
Sacramento, California 95814

(916) 445-6371

Barbara Lee

August 9, 1982

NEWS RELEASE CORRECTION

Changes have been made concerning the initiative constitutional amendment titled "Utility Rates" certified on August 6, 1982 by the Secretary of State.

The Attorney General's office has corrected an error in the title and summary, changing the roll back date to read, "September 30, 1981 or January 1, 1980." Because of this change, the official summary date and the first day the proponent can circulate petitions is now August 6, 1982. All other dates and information remain the same.

A copy of the corrected title and summary is attached.

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8278MW

Revised August 6, 1982

Date: August-4,-1982

File No.: SA82RF0007

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

UTILITY RATES. INITIATIVE CONSTITUTIONAL AMENDMENT. Adds several sections concerning rates and services of electrical and gas corporations regulated by Public Utilities Commission. Provisions are made regarding: Refunds for specified over collections authorized since 1972; rolling rates back to September 30, 1981, or January 1, 1980, and requiring refunds; reserve account requirements; charging for power plant costs prior to energy production or for specified construction costs; colder and hottest climate life line rates; restricting termination of service in residences occupied by specified children or older persons; rates for specified agricultural producers, governmental buildings, educational institutions; maximum rates of return; other matters. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would have major adverse financial effects on operating revenues of private utilities in California. No estimate of the fiscal impact of this measure on state and local governments can be made because it cannot be predicted how utilities would react to an operating revenue loss of large magnitude, especially when a large portion of their costs are fixed, or beyond their immediate control (e.g., imported natural gas prices).

For Immediate Release
August 6, 1982

Contact: Caren Daniels

UTILITY RATES INITIATIVE BEGINS CIRCULATION REPORTS EU

SACRAMENTO -- Secretary of State March Fong Eu today (August 6) announced the beginning of a new initiative effort to curb the high utility rates in California and the withdrawal from circulation of an earlier petition dealing with the same subject.

Sacramentan Roberto Acosta launched his first initiative drive in May of this year, a petition to return rates charged by private utilities to the levels in effect on November 1, 1981; to credit all increases collected after that date to consumers; and to prevent public and private utility companies from turning off power to occupied dwellings without due process in small claims court. The measure would also have placed a limit on the annual rate of increases the utility companies could impose. Mr. Acosta has withdrawn this petition from circulation.

In its stead he has proposed a new measure which, if adopted by the voters, would roll back utility rates to those in effect on September 30, 1981 and require that refunds plus 10% interest be credited to consumers' accounts. It further provides that consumers could not be charged for construction costs of any new power plant until that plant is producing energy, nor could consumers be charged for any construction costs exceeding 100% of the costs specified in the permit issued by the Public Utilities Commission. Also included are provisions for reducing lifeline rates for consumers in the colder and hottest climates.

The proposal is a constitutional amendment which requires 553,790 registered voter signatures to earn a spot on the ballot. Sponsor Acosta must submit all signatures by January 3, 1983 to qualify the measure. Mr. Acosta is reachable at (916) 482-6703.

A copy of the initiative, its title and summary and circulation calendar is attached.

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Office of the Secretary of State
March Fong Eu

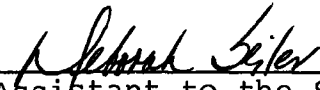
1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

January 10, 1983

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROPONENT(S)

FROM: DEBORAH SEILER


Assistant to the Secretary of State
Elections and Political Reform

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: UTILITY RATES
INITIATIVE CONSTITUTIONAL AMENDMENT

SUMMARY DATE: AUGUST 6, 1982

PROPONENT: ROBERTO ACOSTA

DA/lrb

Hon. George Deukmejian
Attorney General
555 Capitol Mall, Suite 350
Sacramento, California 95814

May 13, 1982

Attention: Robert Burton
Deputy Attorney General

Dear Attorney General Deukmejian:

SUBJECT: Amendment to Constitutional
Initiative Relating To Utility Rates.

Your File No: SA 82 RF0007

Your Title: Utilities: Rates, Service, Burdens Tax.

Pursuant to Section 3503 of the Elections Code, we are submitting substantial amendments to the final version of the measure, and request that your title and summary reflect those changes, and that your office notify and provide the Secretary of State with a title and summary reflecting the amended initiative within fifteen days.

In summary, the enclosed amended version of the constitutional initiative eliminates the "Burdens Tax" section, the "due process" section, and the legislative participation in the general rate-setting process.

The amendment broadens the life line areas, increases rate accountability, and establishes specific Rates-of-

Return allowable by the Public Utilities Commission.

The measure will result in substantial savings to local and state governments, to the agricultural community, and to private and public educational institutions.

There could be substantial losses in state and local revenues—but only an accurate analysis of the difference between savings of whole dollars and the projected and presumed revenue losses will give us a net change—for inclusion in the final summary and title to be issued.

I would request that any mention of reduction of income to utility companies made in the summary be accompanied by the mention of savings to residents, agricultural community, public and private schools, small businesses, local and state governments, and all other ratepayers, which could increase revenues via sales taxes, income taxes, etc. Sincerely,

Roberto Acosta

PROPOSER OF
Utilities Initiative;

Your file: SA82 RF0007

Amended Constitutional Initiative - File No.: SA82 RF0007

Section 1. This Amendment shall be known as
"The Utility Ratepayers Reform and Survival Act."

- a) Utilities, for purpose of this amendment shall be limited to electrical and gas corporations regulated by the Public Utilities Commission.
- b) For purposes of this amendment Ratepayers and consumers are used interchangeably and act and amendment are used interchangeably.

Section 2. Refunds in the form of credits to consumers bills, plus interest at 6 percent per annum, shall be made of all over collections made by utilities as a result of any electrical fuel-cost rate adjustment, any purchased gas adjustment or any supply adjustment mechanism authorized by the Public Utilities Commission since 1972.

Section 3. All utilities rates shall be rolled back to rates existing on September 30, 1981.

- a) This section shall not apply to categories of consumers designated Essential Public Necessities in Section 11. of this act. Rates in those categories shall be rolled back to January 1, 1980 rates.
- b) Essential Public Necessities are limited by this act to consumers engaged in agricultural production, as defined by

the Franchise Tax Board; state, local, and federal buildings which are used to conduct the public's business; and public and private educational institutions when regulated by the Education Code.

Section 4. Refunds, in the form of credits to consumer bills, plus interest at 10 percent, shall be made to all rate payers, on rate increases collected above September 30, 1981 rates, effective upon passage of this amendment.

Section 5. When the commission authorizes any rate change for a specific cost, it shall require the utilities to maintain reserve accounts so that related revenue and costs shall be offset, and the commission shall fully consider any balance, plus interest earned, in such reserve accounts, before authorizing subsequent rate adjustments. Effective immediately.

Section 6. Rate payers shall not be charged for any cost of any power plant, until said power plant is producing energy as designated in the Certificate of Public Convenience and Necessity issued by the Public Utilities Commission. Effective upon passage of this act.

Section 7. Ratepayers shall not be charged, for purposes of rate setting, for any construction costs exceeding 100 percent of construction costs specified in the Certificate of Public Convenience and Necessity, except that the Commission shall take into account increased costs from economic inflation, and regulatory requirements imposed by the Commission or any other public agency after the issuance of the Certificate or both. Effective upon passage of this act.

Section 8. Ratepayers ~~in~~ in the colder climates of the state, and during winter weather, shall pay ^{at} the lowest full-winter life line allowance rates which existed in 1980. This roll back effective upon passage of this act.

Section 9. Ratepayers in the hottest climates of this state, and during summer months, shall ~~pay~~ ^{at} the lowest full-summer life line allowance rate which existed in 1981. This roll back effective upon passage of this act.

Section 10. Essential gas, water or electrical services shall not be terminated during freezing temperatures in any occupied residential dwelling that included as permanent residents children under age 3 or persons 70 or

Section 11. This Amendment creates a category of Ratepayers/ Consumers, which shall be classified in a Category called,
"Essential Public Necessities"

a) For purposes of this amendment, consumers, ratepayers, classified under this section, shall have rates rolled back to the lowest rates which existed in their respective categories in 1980, effective upon passage of this amendment.

b) For Purposes of this Amendment, the Essential Public Necessities shall be limited to consumers engaged in agricultural production, public-governmental buildings conducting the public's business, and educational institutions regulated by the Education Code.

c) The Commission, in full cooperation with the Governor, Legislature, and affected Essential Public Necessities, shall devise and designate an Essential Public Necessities Life line-like allowance and tier-rate structure, which is consistent with the purposes and ^{the} intent of the legislature, when it enacted life line allowances for residential users, and was

signed into law by the Governor, July 17, 1980.

Section 12. The Rate of Return, allowed by the Public Utilities Commission to any gas and electric corporation, shall not exceed 8.5 percent per annum; or a rate of return which is 2 points above the general prevailing Bank Pass Book interest on savings rate in existence, whichever is higher.

Section 13. The provisions of this amendment and all sections included herein, shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

Section 14. If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining section(s) shall not be affected and will remain in full force and effect.

Honorable George Deukmajian
Attorney General
555 Capitol Mall, Suite #350
Sacramento, Calif. 95814

Amendment #2

Attention: Richard D. Martland
Assistant Attorney General

JUNE 11, 1982

Dear Attorney General Deukmajian:

Subject: Amendment to Constitutional
Initiative Relating to Utility Rates.

Your file: #SA 82 RF0007 - ROBERTO ACOSTA PROPONENT
Letter May 14, 1982
Letter May 25, 1982

Pursuant to section 3503 of the Elections Code
I am adding 3 words to the Constitutional
Initiative, for which you are currently preparing
a summary and title.

Please insert the words, "and food processing,"
in Section 3, subsection b), immediately after
the words "...engaged in agricultural production...."
The corrected section (b) will read as follows:
Section 3. all utilities rates shall be rolled back to rates
existing on September 30, 1981.

a) This section shall not apply to categories of consumers
designated Essential Public Necessities in Section 11
of this act. Rates in those categories shall be
rolled back to January 1, 1980.

b) Essential Public Necessities are limited by this
act to consumers engaged in agricultural
production and food processing, as defined
by the Franchise Tax Board; state, local and
federal buildings which are used to conduct
the public's business; and public and private
educational institutions when regulated by
the Education Code.

inserted
in
→

Corrected Section 11.

SA #82 RF0007
ROBERTO ACOSTA
PROPOSANT
June 11, 1982

Section 11. This amendment creates a category of Ratepayers/ Consumers, which shall be classified in a category called, "Essential Public Necessities".

a) For purposes of this amendment, consumers/ ratepayers, classified under this section shall have rates rolled back to the lowest rates which existed in their respective categories in 1980, effective upon passage of this amendment.

corrected }
section } → b) For purposes of this amendment, the Essential Public Necessities shall be limited to consumers engaged in agricultural production and food processing, as defined by the Franchise Tax Board; public-governmental buildings used to conduct the public's business; and educational institutions regulated by the Educational Code.

c) The commission, in full cooperation with the Governor, Legislature and affected Essential Public Necessities, shall devise and designate an Essential Public Necessities Life line-like allowance and tier rate structure, which is consistent with the purposes and the intent of the legislature, when it enacted life line allowances for residential users, and was signed into law by the Governor, July 17, 1980.

File: # SA 82 RF0007
ROBERTO ACOSTA
JUNE 11, 1982

Your letter dated May 25, 1982 informed me that you will not release the title and summary upon receipt of the financial analysis, that you would advise me that the 15 days were running, only.

I would make this a request that you process the title and summary immediately. This letter is my official notification to your office that no further changes will be made.

If necessary I will come to your office and sign a release form that could serve to absolve your office from any further responsibility to issue a new title or summary, based on any further requests from me. There will be no further amendments, corrections, deletions, additions, etc., to this initiative.

I would appreciate your cooperation in this matter.

Very truly yours,
Roberto Acosta
PropONENT

Submitted by:
Roberto Acosta
Proponent

May 13, 1982

Amended Constitutional Initiative - File No.: SA82 RF0007

Section 1. This Amendment shall be known as
"The Utility Ratepayers Reform and Survival Act."

- a) Utilities, for purpose of this amendment shall be limited to electrical and gas corporations regulated by the Public Utilities Commission.
- b) For purposes of this amendment Ratepayers and consumers are used interchangeably and act and amendment are used interchangeably.

Section 2. Refunds in the form of credits to consumer bills, plus interest at 6 percent per annum, shall be made of all over collections made by utilities as a result of any electrical fuel-cost rate adjustment, any purchased gas adjustment or any supply adjustment mechanism authorized by the Public Utilities Commission since 1972.

Section 3. All utilities rates shall be rolled back to rates existing on September 30, 1981.

- a) This section shall not apply to categories of consumers designated Essential Public Necessities in Section 11. of this act. Rates in those categories shall be rolled back to January 1, 1980 rates.
- b) Essential Public Necessities are limited by this act to consumers engaged in agricultural production, ^{as defined by} ~~as defined by~~

the Franchise Tax Board; state, local, and federal buildings which are used to conduct the public's business; and public and private educational institutions when regulated by the Education Code.

Section 4. Refunds, in the form of credits to consumer bills, plus interest at 10 percent, shall be made to all rate payers, on rate increases collected above September 30, 1981 rates, effective upon passage of this amendment.

Section 5. When the commission authorizes any rate change for a specific cost, it shall require the utilities to maintain reserve accounts so that related revenue and costs shall be offset, and the commission shall fully consider any balance, plus interest earned, in such reserve accounts, before authorizing subsequent rate adjustments. Effective immediately.

Section 6. Rate payers shall not be charged for any cost of any power plant, until said power plant is producing energy as designated in the Certificate of Public Convenience and Necessity issued by the Public Utilities Commission. Effective upon passage of this act.

Section 7. Ratepayers shall not be charged, for purposes of rate setting, for any construction costs exceeding 100 percent of construction costs specified in the Certificate of Public Convenience and Necessity, except that the Commission shall take into account increased costs from economic inflation, and regulatory requirements imposed by the Commission or any other public agency after the issuance of the Certificate or both. Effective upon passage of this act.

Section 8. Ratepayers in the colder climates of the state, and during winter weather, shall pay^{at} the lowest full-winter life line allowance rates which existed in 1980. This roll back effective upon passage of this act.

Section 9. Ratepayers in the hottest climates of this state, and during summer months, shall pay^{at} the lowest full-summer life line allowance rate which existed in 1981. This roll back effective upon passage of this act.

Section 10. Essential gas, water or electrical services shall not be terminated during freezing temperatures in any occupied residential dwelling that includes as permanent residents children under age 3 or persons 70 and older.

Section 11. This amendment creates a category of Ratepayers/ Consumers, which shall be classified in a Category called, "Essential Public Necessities";

a) For purposes of this amendment, consumers, ratepayers, classified under this section, shall have rates rolled back to the lowest rates which existed in their respective categories in 1980, effective upon passage of this amendment.

b) For Purpose of this Amendment, the Essential Public Necessities shall be limited to consumers engaged in agricultural production, ^{if for the business as engaged by the} Public-governmental ^{Town} buildings conducting the public's business, and educational institutions regulated by the Education Code.

c) The Commission, in full cooperation with the Governor, Legislature, and affected Essential Public Necessities, shall devise and designate an Essential Public Necessities Life line-like allowance and tier-rate structure, which is consistent with the purposes and ^{the} intent of the legislature, when it enacted life line allowances for residential users, and was

signed into law by the Governor, July 17, 1980.

Section 12. The Rate of Return allowed by the Public Utilities Commission to any gas and electric corporation, shall not exceed 8.5 percent per annum; or a rate of return which is 2 points above the general prevailing Bank Pass Book interest on savings rate in existence, whichever is higher.

Section 13. The provisions of this amendment and all sections included herein, shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

Section 14. If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining section(s) shall not be effected and will remain in full force and effect.



LONNA B. SMITH
COUNTY CLERK
CLERK OF SUPERIOR COURT - 673-5140
EX-OFFICIO CLERK OF BOARD OF SUPERVISORS - 674-8854
REGISTRAR OF VOTERS - 673-8327

COUNTY OF SUTTER

463 SECOND STREET
YUBA CITY, CALIFORNIA
ZIP CODE 95991

January 4, 1983

March Fong Eu
Secretary of State
1230 J Street
Sacramento, Ca. 95814

Dear Ms Eu:

As of January 3, 1983, no petitions on the
Utility Rates Initiative Constitutional Amendment
were turned in.

Very truly yours,

Frances Kemmerly
Frances Kemmerly
Assistant Registrar of Voters






COUNTY OF SACRAMENTO
DEPARTMENT OF VOTER REGISTRATION & ELECTIONS
3700 BRANCH CENTER ROAD, SUITE C
SACRAMENTO, CALIFORNIA 95827
(916) 366-2051

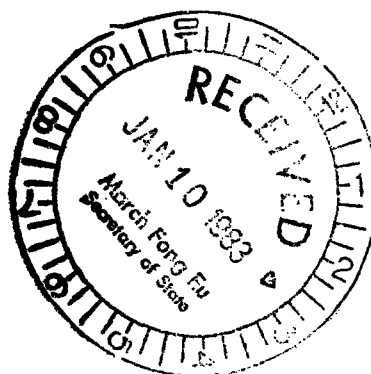
ERNEST R. HAWKINS
REGISTRAR OF VOTERS

Dwight M. Beattie
Chief Election and
Registrar Technician

January 4, 1983

I, Ernest R. Hawkins, Registrar of Voters of the County of Sacramento, State of California, hereby certify that on or before January 3, 1983, no petition sections containing signatures were filed by the proponents of the Utility Rates Initiative Constitutional Amendment Measure.


Ernest R. Hawkins
Registrar of Voters



Sacramento

Office of the County Clerk



COUNTY OF SAN MATEO

HALL OF JUSTICE AND RECORDS • REDWOOD CITY • CALIFORNIA 94063
(BRANCH OFFICE: 40 TOWER ROAD, SAN MATEO, CA 94402 • (415) 573-2081)

BOARD OF SUPERVISORS

EDWARD J. BACCIOCCO, JR.
ARLEN GREGORIO
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K. JACQUELINE SPEIER
JOHN M. WARD

COUNTY CLERK • RECORDER

MARVIN CHURCH
Robert Kasper, Assistant
(415) 364-5600, Ext. 2363

January 5, 1983

Office of the Secretary of State
1230 "J" Street
Sacramento, California 95814

Attention: Barbara Lee, Elections Technician

Dear Ms. Lee:

Subject: Utility Rates - Initiative Constitutional Amendment

There has been no filing of subject petition sections for signature verification in this office as of the last day to circulate and file, Monday, January 3, 1983.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin Church".

Marvin Church
County Clerk-Recorder

MC:b

